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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,062	08/01/2003	Christopher J. Dyl	19815-015001	3611
26161	7590	06/16/2006		
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER EPSHTEYN, ALEXANDER	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary	Application No.	Applicant(s)	
	10/633,062	DYL, CHRISTOPHER J.	
	Examiner	Art Unit	
	Alex Epshteyn	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/29/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because "...which allow or caching..." should be changed by either removing the word "or" or adding a missing word in between "allow" and "or". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-9, 11-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda et al. (US Patent 6,253,167).

In regards to claims 1, 6, and 13, Matsuda teaches of a method to play an online game that includes hosting for transmission content designated as goal-activated-content and transmitting the goal-activated content upon a client request (4: 30-44). Matsuda further teaches of instructing the client to delete goal activated content stored on the client, wherein the step of deleting the goal-activated content is achieved by substituting a new data parameter in a goal-activated content field, thereby deleting previous records of goal-activated content (12: 5-10).

In regards to claims 2, 11, 12, 14, and 15, Matsuda teaches of transmitting the goal-activated content to the client responsive to a determination that a player associated with the client has fulfilled a goal (3: 29-41).

In regards to claims 3, 8, and 16, Matsuda teaches of receiving a history profile from the client (11: 15-43), where the history profile includes information of the players character so that when a predetermined condition occurs, the player character is updated according to a correct updated character aspect. Matsuda also teaches of maintaining a history profile of content received from the server where the history profile includes information of the players' character and also the current data parameters tied to the character (11: 15-43)

In regards to claims 4, 7, 9, and 17 Matsuda teaches of deleting goal-activated content stored on the client in accordance with the history where the step of deleting the goal-activated content is achieved by substituting a new data parameter in a goal-activated content field, thereby deleting previous records of goal-activated content (12: 5-10).

In regards to claim 20, Matsuda teaches of a computer based gaming apparatus comprising a memory element storing goal-activated data, a transceiver receiving a connection request from a remote client on the network, a processor determining that the goal-activated content is to be transmitted to the client, the transceiver transmitting the goal-activated content, and the transceiver transmitting a deletion instruction to the client (figure 3).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 10, 18, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda.

In regards to claim 5, while Matsuda does not teach of encrypting the goal-activated content prior to transmission to the client, it is widely known to one skilled in the art at the time the invention was made that data packets used for transmission in a networked environment are encrypted prior to transmission to protect the data and to also ensure that the proper client machine receives the correct data packets. Thus, it would be obvious for one skilled in the art at the time the invention was made to encrypt the data used in Matsuda.

In regards to claims 10, 18, and 19, while Matsuda does not explicitly teach of a instruction from the server to the client to delete all goal-activated content, it would be obvious for one skilled in the art to incorporate such a command into the gaming system

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of Matsuda. Such a command is commonly known in the art by initialization or restarting of a game. Thus, if a player in the game of Matsuda wishes to restart the entire game, the data fields accumulated would have to be initialized to the original values and would thus all goal-activated content would be deleted and replaced with the original game parameters.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Epshteyn whose telephone number is 571-272-5561. The examiner can normally be reached on M-F 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



XUAN M. THAI
SUPERVISORY PATENT EXAMINER

TC3700